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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,932	09/23/2003	Timothy McGrath	N0173US	3389

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NAVIGATION TECHNOLOGIES  
222 MERCHANDISE MART  
SUITE 900, PATENT DEPT.  
CHICAGO, IL 60654

EXAMINER

BEAULIEU, YONEL

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/668,932	MCGRATH, TIMOTHY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yonel Beaulieu	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

Applicant's arguments filed 15 September 2005 have been fully considered but they are not persuasive.

Applicant argues solely argues, with regard to Nakashima ('362 B2), there is no disclosure or suggestion of *identifying at least one broadcast area in which traffic condition is located*. The Examiner respectfully disagrees for the following reasons:

Nakashima is concerned with facilitating delivery of traffic messages with disclosure of identification of at least one broadcast area in which the traffic condition is located. Even Applicant admits in remarks (paragraph bridging pages 1-2) Nakashima supports the claimed limitation except for the location of the condition. However, the very section Applicant refers to in Nakashima addresses what is argued. Furthermore, col. 7, lines 12 – 27 in Nakashima supports broadcasting traffic data that are location specific. At a minimum, the traffic beacons alongside the road are used to support the location to be broadcasted (see illustration of figs. 1 and 9 at least). Moreover, note col. 10, line 65 – col. 11, line 10 wherein broadcasted areas in which traffic condition is located are identified by server 1.

In view of the above, it is still the Examiner's position independent claims 1, 14, and 19, as argued, are addressed by Nakashima.

As to the argument with regard to the Pournain reference ('502 B1), the Examiner maintains the Pournain reference was brought forth to address the idea of filtering the messages and not specifically to address traffic and broadcast service area which was (still is) supported by Nakashima. It appears the references are being argued separately and really not for what their combination suggests to one of ordinary skill in the art at the time the invention was made.

In view of the above, it is believed the rejection is proper; thus, maintained.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 7 – 10, 13 – 17, and 19 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakashima et al. (US 6,904,362 B2).

Regarding claims 1, 8, 10, 13 - 16, and 19, Nakashima teaches facilitating delivery of traffic messages (see figs. 1-2) indicating a traffic condition comprising obtaining data indicating a plurality of traffic conditions on a road network in a

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geographic region and providing a location description, and identifying at least one broadcast service area in which the traffic condition is located (col. 7, lines 12 - 27); and transmitting (through item 10) a plurality of messages, each associated with a service area code identifying the area in which the traffic condition is located (col.); and a service provider (the server side as illustrated in fig. 1).

Regarding claims 2 – 4, 20, and 21, Nakamura further teaches the broadcast service area being a county or a portion of a metropolitan area (col. 12, lines 6 – 16; col. 13, lines 19 at least).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima et al. ('362) in view of Pournain et al. (US 6,430,502 B1).

As discussed above, Nakashima teaches all of the limitations including an end user computing platform (server 1) receiving the traffic messages (via item 10) except for the explicit recitation of filtering the messages to process only the messages having the area matching the service area.

However, Pournain et al. teaches, in the same field of endeavor of delivering traffic information, filtering of such messages (col. 4, lines 13 – 31 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nakashima's teaching by including messages filtering as evidenced by Pournain et al. in order to present only relevant traffic information to a driver.

Claims 5, 6, 11, 12, 18, and 22 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima as applied to claims 1 and 19.

Regarding claims 5, 6, 22, and 23, Nakashima is not explicit on the geographic area representing an area within a country or more than one country; however, it would have been obvious to one of ordinary skill in the art at the time of the invention Nakashima does teach different coverage areas that are useable in order to achieve the end result of delivering or facilitating traffic messages.

As for claims 11, 12, 18, and 24 – 26, making the traffic message in ALERT-C format would have been obvious to one of ordinary skill in the art at the time of the invention as being old and well known (see for example US 6,477,459 to Wunderlich).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER